

01.93-02

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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No: 29250/CE03957R

**PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53**

**Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231**

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s): Daniel Francis Tell, William S. Pierce and Kaveh Vessal

Title: METHOD AND APPARATUS FOR TRANSMITTING WIRED DATA  
VOICE OVER IP DATA AND WIRELESS DATA THROUGH A  
COMMON IP CORE NETWORK

**1. Type of Application**

- ☒ This is a new application for a
  - ☒ utility patent.
  - ☐ design patent.
- ☐ This is a continuation-in-part application of prior application no.

**2. Application Papers Enclosed**

- 1 Title Page
- 19 Pages of Specification (excluding Claims, Abstract, Drawings & Sequence Listing)
- 6 Pages of Claims
- 1 Pages of Abstract
- 7 Sheets of Drawings (Figs. 1 to 7)
  - ☐ Formal
  - ☒ Informal

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**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this Patent Application Transmittal and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **December 28, 2001**, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EL564465368US.

  
Richard Zimmermann

3. Declaration or Oath

- ☒ Enclosed
  - ☒ Executed by (check all applicable boxes)
    - ☒ Inventors
    - ☐ Legal representative of inventor(s)  
(37 CFR 1.42 or 1.43)
    - ☐ Joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached
      - ☐ The petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 are enclosed. See Item 5D below for fee.
- ☐ Not enclosed - the undersigned attorney or agent is authorized to file this application on behalf of the applicant(s). An executed declaration will follow.

4. Additional Papers Enclosed

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Declaration of Biological Deposit
- ☐ Computer readable copy of sequence listing containing nucleotide and/or amino acid sequence
- ☐ Microfiche computer program
- ☐ Associate Power of Attorney
- ☐ Verified translation of a non-English patent application
- ☐ An assignment of the invention
- ☐ Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)
- ☒ Return receipt postcard
- ☒ Other
  - 1. Added Page to Combined Declaration and Power of Attorney for Signature by Person Authorized by Assignee to Sign on Behalf of Inventor Kaveh Vessal Who Cannot Be Found (37 C.F.R. § 1.47(b))
  - 2. Statement of Facts in Support of Filing on Behalf of Non-Signing Inventor Vessal (37 C.F.R.

5. Filing Fee Calculation (37 CFR 1.16)

A. ☒ Utility Application

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$370.00		\$740.00
TOTAL	27 -20	= 3	X 9 =	\$	X 18 =	\$54.00
INDEP.	3 - 3	= 0	X 42 =	\$	X 84 =	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 140 =	\$	+ 280 =	\$
Filing Fee:				\$	OR	\$794.00

B. ☐ Design Application (\$165.00/\$330.00) Filing Fee: \$ \_\_\_\_\_

C. ☐ Plant Application (\$255.00/\$510.00) Filing Fee: \$ \_\_\_\_\_

D. Other Fees

☒ Recording Assignment \$ 40.00

☒ Petition fee for filing by other than all the inventors  
or person on behalf of the inventor where inventor refused  
to sign or cannot be reached \$ 130.00

☐ Other \$ \_\_\_\_\_

**Total Fees Enclosed \$964.00**

6. Method of Payment of Fees

☒ Enclosed check in the amount of: \$964.00

☐ Charge Deposit Account No. 13-2855 in the amount of: \$ \_\_\_\_\_  
A copy of this Transmittal is enclosed.

☐ Not enclosed

7. Deposit Account and Refund Authorization

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 or under other applicable rules (except payment of issue fees), to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

Please refund any overpayment to Marshall, Gerstein & Borun at the address below.

8. Correspondence Address

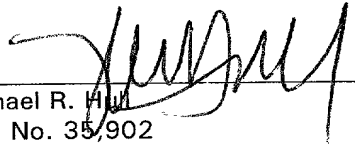
Customer No.: 04743

Respectfully submitted,


MARSHALL, GERSTEIN & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300  
(312) 474-0448 (Telefacsimile)

December 27, 2001

By:

  
\_\_\_\_\_  
Michael R. Hull  
Reg. No. 35,902

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel F. Tell et al.	)	I hereby certify that this paper and the
	)	documents referred to as enclosed
Serial No.: To be assigned	)	therewith are being deposited with the
	)	United States Postal Service on
Filed: December 27, 2001	)	<b>December 28, 2001</b> in an envelope
(concurrently herewith)	)	addressed to the Commissioner for
	)	Patents, Washington, D.C. 20231
For: Method and Apparatus for	)	utilizing the "Express Mail Post Office
Transmitting Wired Data Voice	)	to Addressee" service of the United
Over IP Data and Wireless Data	)	States Postal Service under Mailing
Through a Common IP Core	)	Label No. EL564465368US
Network	)	
	)	
Group Art Unit: To be assigned	)	Richard Zimmermann
	)	
Examiner: To be assigned	)	

**STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF  
NON-SIGNING INVENTOR VESSAL (37 C.F.R. §1.47)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the non-signing inventor Vessal for the above-identified patent application before deposit thereof in the U.S. Patent and Trademark Office.

I, Michael R. Hull, Attorney Reg. No. 35,902, residing at 2229 North Orchard, Unit G, Chicago, Illinois, USA, a citizen of the United States, makes this statement of facts on behalf of Motorola, Inc., as I am authorized to act on behalf of Motorola, Inc. (I am listed as an attorney of record under customer no. 29978) and I have first hand knowledge of the efforts to contact non-signing inventor Kaveh Vessal.

The inventions claimed in the above-referenced patent application are the result of the collaborative efforts of Daniel Tell, William Pierce and Kaveh Vessal. The invention disclosure was recorded in the form of a document entitled "Disclosure for Patent Committee," dated November 10, 1998, a copy of which is attached hereto. At that time, Daniel Tell, William Pierce and Kaveh Vessal were all employees of Motorola, Inc. All three inventors, as a part of their employment contract with Motorola, agreed to assign all inventions created during the course and scope of their employment to Motorola, Inc. Thus, Daniel Tell and William Pierce have executed an Assignment of this application to Motorola, Inc.

However, in late 1999, inventor Kaveh Vessal left the employment of Motorola, Inc. His departure from Motorola occurred before the undersigned began to prepare the present patent application. Thus, the present application was prepared by the undersigned, with the assistance of inventors Tell and Pierce. After the application was approved by inventors Tell and Pierce for filing in the Patent Office, inventors Tell and Pierce informed me that Kaveh Vessal had left Motorola in late 1999 and allegedly secured employment at 3Com Corporation, at their facilities in Mount Prospect, Illinois. However, a telephone call to 3Com's facilities in Mount Prospect, Illinois resulted in the undersigned learning that Mr. Vessal had left the employment of 3Com and his current employment status is unknown.

Without a business telephone number in order to contact inventor Vessal, I searched for a home telephone number in Illinois. There is no listed telephone number for inventor Vessal, either at his last known address of 1665 Lincoln Meadows, #1021, Schaumburg, Illinois, 60173 or any other address in the state of Illinois. I also did numerous Internet searches using the YAHOO, WORLD PAGES, BIG FOOT INFOSPACE search engines. I could not find any telephone number, residence or email address for inventor Kaveh

Vessal. Further, I telephoned 3Com Corporation in an attempt to obtain a forwarding address for inventor Vessal. A representative of 3Com Corporation told me that they would not furnish such information, but would only confirm that inventor Vessal was a former employee of 3Com and they would not provide any forwarding address information for any former employee of 3Com.

Thus, I can state that I diligently attempted to locate Mr. Vessal. Further, I can also state that representatives of the assignee Motorola, Inc. have also attempted to locate inventor Vessal, without success. A copy of a November 29, 2001 email from Leo Donlin, an employee of Motorola, Inc. to Lisa Richard, an employee of the undersigned's law firm, clearly indicates that representatives of Motorola have attempted to locate their former employee, inventor Vessal. I personally have also solicited the help of inventors Tell and Pierce to locate their former colleague and co-inventor Vessal. Both inventors Tell and Pierce have been unable to locate inventor Vessal and they indicated directly to me that their attempts were unsuccessful.

Nonetheless, a copy of the application, declaration and assignment was sent by certified mail to Inventor Vessal's last known address. The documents were returned. A copy of the returned envelope is attached hereto.

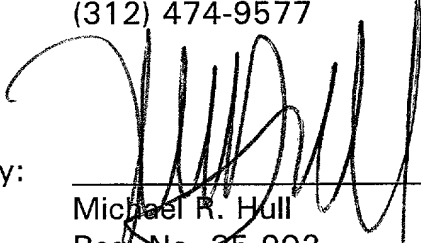
The undersigned hereby verifies that the above statements are true and correct.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-9577

December 28 2001

By:

  
\_\_\_\_\_  
Michael R. Hull  
Reg. No. 35,902

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MARSHALL, GERSTEIN & BORUN

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SHARON M. SINTICH, Ph.D.  
THOMAS J. WRONA

December 6, 2001

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Kaveh Vessal  
1665 Lincoln Meadows, #1021  
Schaumburg, IL 60173

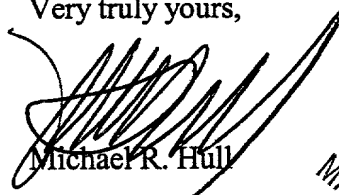
Re: New U.S. Patent Application  
Inventors: Daniel Tell, William Pierce and Kaveh Vessal  
Title: "Method and Apparatus for Transmitting Wired Data  
Voice Over IP Data and Wireless Data Through a  
Common IP Core Network"  
Your Ref.: CE03957R-Tell - Our Ref.: 29250/CE03957R

Dear Mr. Vessal:

As you may recall, you are listed as an inventor on the above-referenced Motorola patent application. This application has now been put into final form and we ask that you review the application and execute the enclosed Declaration and Assignment forms. If you have any questions regarding the contents of the application, please do not hesitate to contact myself at the number listed above or Dan Tell or Bill Pierce at Motorola.

Please return the executed Declaration and Assignment to me, at your earliest convenience. Thank you for your assistance in this matter.

Very truly yours,

  
Michael R. Hull

RECEIVED  
DEC 17 2001  
MARSHALL GERSTEIN

MRH/lar  
Enclosures  
cc: Anthony G. Sitko  
Patrick D. Ertel